

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

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Case No. S-2644

PETITION OF GREENCASTLE LAKES COMMUNITY ASSOCIATION, INC.

OPINION OF THE BOARD

(Opinion Adopted March 22, 2006)

(Effective Date of Opinion April 20, 2006)

Case No. S-2644 is a petition by Greencastle Lakes Community Association, pursuant to Section 59-G-2.56, for a special exception for a community swimming pool. The Hearing Examiner for Montgomery County held a hearing on the application on September 16, 2005, closed the record in the case on December 23, 2005, and on December 27, 2005 issued a Report and Recommendation for approval of the special exception subject to conditions. The Board of Appeals initially considered the application at its Worksession on January 18, 2006, and, by Resolution of February 18, 2006, remanded the case to the Hearing Examiner for a determination of whether the swim club uses sound amplification equipment at its annual party. On March 7, 2006, the Hearing Examiner filed a Supplemental Report and Recommendation, advising the Board that the swim club does not have a sound amplification system, has not held an annual party for several years, and, in past years, hired a deejay for the party, who brought his own sound system. The Hearing Examiner recommends an additional condition, adopted as Condition 10 below, to address this matter.

The subject property is in Block G, Silver Spring Country Club Subdivision located at 3661 Turbridge Drive, Burtonsville, Maryland, 20866, in the R-90 Zone.

Decision of the Board: Special Exception **Granted** Subject
To Conditions Enumerated Below.

The Board of Appeals considered both Reports and Recommendations from the Hearing Examiner at its Worksession on March 22, 2006. After careful consideration and review of the record the Board adopts the Reports and

Recommendations and grants the special exception, subject to the following conditions:

1. The Petitioner shall be bound by all of its testimony and exhibits of record, and by the testimony of its witnesses and representations of counsel identified in the Hearing Examiner's report, and in this Opinion.
2. No more than one hundred non-resident family memberships are permitted. Resident family memberships are limited only by pool capacity.
3. Prior to each swimming season, the Greencastle Lakes Community Association or its designee shall transmit to the Board of Appeals a copy of current membership roll with indication of non-resident members, a copy of the current rules of operation for the pool, and a schedule for any swim teams or swim classes for that season.
4. No more than 418 persons are permitted in the combined adult and toddler swimming pools at one time, unless a different capacity is determined by State licensing authorities. Any capacity sign posted with contrary information must be replaced with an accurate capacity sign, determined in accordance with State law.
5. Petitioner may not reduce the number of parking spaces below the current 72 without permission of the Board of Appeals.
6. The pool's hours of operation are limited as follows: It may open on the Saturday of Memorial Day weekend and close on Labor Day. When public school is in session, the pool may operate from noon until 8:00 p.m. on weekdays and from 10:00 a.m. until 8:00 p.m. on weekends and holidays. After public schools close for the summer, the pool may operate from 11:00 a.m. until 9:00 p.m. during weekdays and from 10:00 a.m. until 8:00 p.m. on weekends and holidays.
7. Petitioners must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits and use and occupancy permits, necessary to occupy the special exception premises and operate the special exception as granted herein. Petitioners shall at all times ensure that the special exception use and premises comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives and other governmental requirements.
8. Petitioner may not post a permanent entry sign without obtaining permission from the Department of Permitting Services and the Board of Appeals. Any temporary sign must comply with applicable regulations.

9. Lighting on site is restricted to the lighting portrayed on the revised Landscape and Lighting Plan. The Board will retain jurisdiction to require modification of that plan if the four spot lights on motion sensors create lighting conditions disturbing to the neighborhood.
10. Petitioner may not install its own outdoor sound system without receiving permission from the Board. No more than once a year, at its annual party, Petitioner may play music outdoors through a sound system provided by a deejay or other professional. The volume of such amplified music must be kept sufficiently low so as not to disturb the neighbors, and in no event may such amplified music exceed County noise standards.

On a motion by Angelo M. Caputo, seconded by Wendell M. Holloway, with Donna L. Barron, Caryn L. Hines and Allison Ishihara Fultz, Chair in agreement, the Board adopted the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.

Allison Ishihara Fultz
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 20th day of April, 2006.

Katherine Freeman
Executive Director

NOTE:

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure.